

The Honorable James L. Robart

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

KATHERINE MOUSSOURIS, HOLLY  
MUENCHOW, and DANA PIERMARINI, on  
behalf of themselves and a class of those  
similarly situated,

Plaintiffs,

v.

MICROSOFT CORPORATION,

Defendant.

Case No. 2:15-cv-01483-JLR

**STIPULATION AND [PROPOSED]  
ORDER TO SEAL ORDER  
GRANTING IN PART AND DENYING  
IN PART DEFENDANT'S MOTION  
FOR SUMMARY JUDGMENT (DKT.  
NO. 510)**

STIPULATION AND [PROPOSED] ORDER TO  
SEAL ORDER GRANTING IN PART AND  
DENYING IN PART DEFENDANT'S MSJ  
Case No. 2:15-CV-01483-JLR

ORRICK, HERRINGTON & SUTCLIFFE LLP  
701 Fifth Avenue, Suite 5600  
Seattle, Washington 98104-7097  
+1-206-839-4300

On July 11, 2018, this Court issued an Order Granting in Part and Denying in Part Defendant's Motion for Summary Judgment ("Order"). Dkt. No. 510. The Court directed the Clerk to provisionally file this Order under seal and ordered the parties to meet and confer regarding the need for redaction. *Id.* The Court further ordered the parties to jointly file a statement within ten days of the date of the Order to indicate any need for redaction. *Id.*

### **STIPULATION**

Pursuant to the Court's Order, Plaintiffs Katherine Moussouris, Holly Muenchow, and Dana Piermarini, and Defendant Microsoft Corporation, by and through their respective counsel, stipulate and agree as follows:

#### **Identifying Information of Comparators**

Portions of the Order reveal identifying information of non-party comparators. Dkt. No. 510 at 6:3, 8:17-18, 8:21-22, 9:2, 9:5, 9:7, 9:9-11, 13:14-15, 13:17, 13:19-20, 14:2-3, 14:5-8, 17:1-4, 19:15-18, 19:20-22, 20:1-2, 32:17, 32:20-22, 33:2-3, 33:5, 33:7-8, 33:10, 33:12, 33:17-18, 33:20-22, and 34:2. Microsoft previously offered multiple bases for sealing non-party identifying information. Dkt. Nos. 269 at 5-7; 283 at 7; 358 at 6:10-7:3; and 452 at 2-3 (incorporated herein by reference). The Special Master granted Microsoft's requests to seal certain identifying information of non-parties, including comparators, and the Court adopted each of the Special Master's Reports and Recommendations. Dkt. Nos. 351 at 13, 16, 26-38, 44, and 48 (Report and Recommendation); 369 (Order adopting Report and Recommendation); 462 at 13:12-15; *id.* at 14-16, 18-19, 24, 26-32, 34, and 35; 468 at 5 (Supplemental Report and Recommendation); 469 (Order adopting Report and Recommendation); 470 (Order adopting Supplemental Report and Recommendation). In accordance with these rulings, certain identifying information of third party comparators has been redacted, and the parties agree the portions of the Court's Order identified above should be redacted. These proposed redactions are reflected in the attached copy of the Order.

## **Diversity and Inclusion Strategy**

A portion of the Order quotes a document that was previously sealed by this Court because it sets out Microsoft's internal reactions to comments about its diversity and inclusion strategy. Dkt. No. 510 at 49:19-20. Specifically, the Order quotes MSFT\_278390, a PowerPoint entitled FY 15 D&I Core Priorities and Action Plan. *Id.*; MSFT\_278390 at 8. Microsoft previously provided bases for sealing information concerning diversity and inclusion strategy. Dkt. No. 269 at 9-12 (incorporated herein by reference). The Special Master's February 16, 2018 Report and Recommendation on Motions to Seal granted Microsoft's request to seal MSFT\_278390 and the Court adopted her Report and Recommendation. *See* Dkt. Nos. 351 at 29 (Report and Recommendation); 391 (Order adopting Report and Recommendation). For these same reasons, the parties agree that the Court should seal the information regarding internal reactions to comments about Microsoft's diversity and inclusion strategy as set out in the accompanying copy of the Order.

## **OFCCP Proceedings**

A portion of the Order reveals details regarding ongoing OFCCP proceedings that are not known to the public. Dkt. No. 510 at 49:22 and 50:1. Microsoft previously offered multiple bases for sealing OFCCP-related information. Dkt. Nos. 269 at 8:8-9:15; 280 at 2:11-4:2; 358 at 6:10-7:3; and 452 at 5:1-7 (incorporated herein by reference). The Special Master granted Microsoft's requests to seal information regarding ongoing OFCCP proceedings and the Court adopted each of her Reports and Recommendations. Dkt. Nos. 351 at 20:3-21:7, 27:5-9, 29:9-14, and 35:21-27; 369; 463 at 6:18-22 and 9:5-8; 490. To date, materials submitted to the Court that include details regarding the OFCCP proceedings unknown to the public have been submitted under seal in accordance with these rulings. For these reasons, the parties agree that the Court should seal the information regarding ongoing OFCCP proceedings as set out in the accompanying copy of the Order.

IT IS SO STIPULATED THROUGH COUNSEL OF RECORD.

1 Dated: July 23, 2018

2 By: /s/ Michael Subit

3 Michael Subit (Wash. Bar No. 29189)  
4 FRANK FREED SUBIT & THOMAS LLP  
5 705 Second Avenue, Suite 1200  
6 Seattle, WA 98104  
7 Telephone: (202) 682-6711  
8 Facsimile: (202) 682-0401  
9 E-Mail: msubit@frankfreed.com

10 Kelly M. Dermody (admitted *pro hac vice*)  
11 Anne B. Shaver (admitted *pro hac vice*)  
12 Michael Levin-Gesundheit (admitted *pro hac vice*)  
13 Tiseme Zegeye (admitted *pro hac vice*)  
14 LIEFF CABRASER HEIMANN & BERNSTEIN, LLP  
15 275 Battery Street, 29<sup>th</sup> Floor  
16 San Francisco, CA 94111-3339  
17 Telephone: (415) 956-1000  
18 Facsimile: (415) 956-1008  
19 E-Mail: kdermody@lchb.com  
20 E-Mail: ashaver@lchb.com  
21 E-Mail: mlevin@lchb.com  
22 E-Mail: tzegeye@lchb.com

23 Sharon M. Lee (Wash. Bar No. 37170)  
24 LIEFF CABRASER HEIMANN & BERNSTEIN, LLP  
25 2101 Fourth Avenue, Suite 1900  
26 Seattle, WA 98121  
27 Telephone: (206) 739-9059  
28 Facsimile: (415) 956-1008  
E-Mail: slee@lchb.com

Rachel J. Geman (admitted *pro hac vice*)  
LIEFF CABRASER HEIMANN & BERNSTEIN, LLP  
250 Hudson Street, 8<sup>th</sup> floor  
New York, NY 10013-1413  
Telephone: (202) 355-9500  
Facsimile: (202) 355-9592  
E-Mail: rgeman@lchb.com

Adam T. Klein (admitted *pro hac vice*)  
Ossai Miazad (admitted *pro hac vice*)  
Michael Danna (admitted *pro hac vice*)  
OUTTEN & GOLDEN LLP  
3 Park Avenue, 29<sup>th</sup> Floor  
New York, NY 10016  
Telephone: (212) 245-1000  
Facsimile: (212) 977-4005  
E-Mail: ATK@outtengolden.com  
E-Mail: OM@outtengolden.com  
E-Mail: mdanna@outtengolden.com

*Attorneys for Plaintiffs and the proposed Class*

1 Dated: July 23, 2018

ORRICK, HERRINGTON & SUTCLIFFE LLP

2  
3 By: *s/Mark S. Parris*  
*s/Lynne Hermle*  
*s/Jessica R. Perry*

4 \_\_\_\_\_  
Mark S. Parris (WSBA No. 13870)  
mparris@orrick.com

5  
6 701 Fifth Avenue  
Suite 5600  
7 Seattle, Washington 98104  
Telephone: +1-206-839-4300  
8 Facsimile: +1-206-839-4301  
Attorneys for Defendant

9 Lynne C. Hermle (Admitted *pro hac vice*)  
lchermle@orrick.com

10  
11 Jessica R. Perry (Admitted *pro hac vice*)  
jperry@orrick.com

12  
13 1000 Marsh Road  
Menlo Park, California 94025  
Telephone: 650-614-7400  
14 Facsimile: 650-614-7401

15 Dated: July 23, 2018

MICROSOFT CORPORATION

16  
17 By: *s/David Howard*

18 \_\_\_\_\_  
David Howard (WSBA No. 45211)  
Corporate Vice President and Deputy General  
19 Counsel, Litigation  
dhoward@microsoft.com

20  
21 1 Microsoft Way  
Redmond, Washington 98052  
Telephone: +1-425-704-8685

**CERTIFICATE OF SERVICE**

I hereby certify that on July 23, 2018, I caused the foregoing document to be electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of the filing to all counsel of record.

DATED: July 23, 2018

ORRICK, HERRINGTON & SUTCLIFFE LLP

By: s/Mark S. Parris  
Mark S. Parris (WSBA No. 13870)  
mparris@orrick.com

701 Fifth Avenue, Suite 5600  
Seattle, WA 98104-7097  
Telephone: 206-839-4300  
Facsimile: 206-839-4301

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